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## Natural Justice and Judicial Review of Administrative Action

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### ABSTRACT:

*The principles of natural justice are fundamental safeguards against arbitrary and unfair administrative action. The two major principles, \*audi alteram partem\* (right to be heard) and \*nemo judex in causa sua\* (rule against bias), ensure fairness in administrative decision-making. In India, these principles are closely connected with the constitutional guarantees under \*Articles 14 and 21\*. Judicial review enables constitutional courts to examine administrative actions that are arbitrary, unreasonable, biased, or made in violation of natural justice. This research examines the relationship between natural justice and judicial review, the constitutional framework governing administrative action, and the role of the Supreme Court and High Courts in protecting procedural fairness.*

**Keywords:** Justice, law and judgements, rules, court, administrative action, judicial review, decision making, constitution, government, fairness, legality.

### 1. Introduction:

Administrative authorities exercise wide powers in areas such as public services, licensing, disciplinary proceedings, regulation, and welfare administration. Since these powers can directly affect the rights and interests of individuals, administrative authorities are required to act fairly, reasonably, and according to law. The principles of natural justice have developed as important procedural safeguards to ensure fairness in administrative decision-making.

The principal requirements of natural justice include the right to a fair hearing and the rule against bias. In appropriate circumstances, administrative authorities must provide a person with a reasonable opportunity to present their case before taking an adverse decision. The Constitution of India strengthens these requirements through Article 14, which protects against arbitrariness and unequal treatment, and Article 21, which requires a fair and reasonable procedure when personal liberty is affected.

Judicial review provides a constitutional mechanism for examining the legality and fairness of administrative action. Under Articles 32 and 226, constitutional courts can intervene where administrative authorities act beyond their powers, violate legal or constitutional rights, or fail to follow principles of natural justice. Decisions such as *A.K. Kraipak v. Union of India*<sup>1</sup> and *Maneka Gandhi v. Union of India*<sup>2</sup> significantly contributed to the development of fairness in administrative law.

Therefore, this research examines how natural justice operates as a control over administrative authorities and how judicial review ensures that administrative decisions conform to constitutional standards of fairness, reasonableness, and legality.

### 2. Scope of the study:

1. Principles of Natural Justice – Examines audi alteram partem (right to a fair hearing) and nemo judex in causa sua (rule against bias).
2. Administrative Decision-Making – Studies how administrative authorities are required to follow fair and reasonable procedures while making decisions affecting individuals.
3. Constitutional Framework – Examines the relationship between natural justice and Articles 14 and 21 of the Constitution of India.
4. Judicial Review – Analyses the power of the Supreme Court and High Courts to review administrative actions that are arbitrary, unreasonable, biased, or made in violation of natural justice.
5. Exceptions to Natural Justice – Examines situations where a prior hearing may be excluded, such as cases involving urgency, confidentiality, or statutory provisions.
6. Remedies – Examines constitutional remedies available under Articles 32 and 226, including writs against unlawful administrative action.<sup>3</sup>

<sup>1</sup> A.K. Kraipak v. Union of India, (1969) 2 SCC 262.

<sup>2</sup> Maneka Gandhi v. Union of India, (1978) 1 SCC 248.

<sup>3</sup> M.P. Jain, \*Indian Constitutional Law\*, 8th ed., LexisNexis, Gurgaon, 2018. \*\* <sup>4</sup> Constitution of India, Arts. 14, 21, 32 and 226.

### 3.Objectives of the study:

1. To study the concept and principles of natural justice in Administrative Law.
2. To examine the principles of audi alteram partem and nemo judex in causa sua and their application to administrative decisions.
3. To analyse the constitutional basis of natural justice, particularly under Articles 14 and 21 of the Constitution of India.
4. To examine the role and scope of judicial review in controlling arbitrary and unfair administrative actions.
5. To analyse the role of the Supreme Court and High Courts in protecting individuals against violations of natural justice.
6. To identify the circumstances and exceptions in which the principles of natural justice may not apply to administrative action.
7. To study the relationship between natural justice, administrative discretion, and constitutional remedies under Articles 32 and 226.<sup>4</sup>
8. To examine important judicial developments concerning natural justice and judicial review in India.
9. To identify the limitations on judicial review of administrative decisions.
10. To suggest measures for ensuring fairness, transparency, and accountability in administrative decisionmaking.<sup>4</sup>

### 4.Research methodology:

This research follows a doctrinal and analytical methodology.

Primary sources include: Constitution of India; Central legislation; judgments of the Supreme Court of India; and official government material.

Secondary sources include academic writings, reports and government publications relating to women, employment and public administration.

### 5.Review of literature:

#### 1. M.P. Jain and S.N. Jain – Principles of Administrative Law

M.P. Jain and S.N. Jain provide a comprehensive treatment of natural justice, administrative discretion and judicial control of administrative action. Their work explains the importance of fair hearing, absence of bias and procedural fairness in administrative decision-making. It also examines the grounds on which courts can review administrative action. The work is particularly useful for understanding the doctrinal relationship between natural justice and judicial review in Indian Administrative Law.<sup>5</sup>

#### 2. I.P. Massey – Administrative Law

I.P. Massey's work examines the principles of natural justice and judicial control of administrative action in detail. The book discusses the rule against bias, fair hearing, administrative discretion and the circumstances in which courts may interfere with administrative decisions. It is useful for analysing procedural fairness as a means of controlling administrative authorities. The work has also been cited by Indian courts while discussing the development and application of natural justice.<sup>6</sup>

#### 3. Raeesa Vakil – “Constitutionalizing Administrative Law in the Indian Supreme Court: Natural Justice and Fundamental Rights”

Raeesa Vakil's article examines the relationship between natural justice, fundamental rights and judicial review in India. The study explains how the Supreme Court has increasingly connected principles of natural justice with constitutional rights, particularly Articles 14 and 21. It also observes that natural justice has become an important ground for judicial review of administrative action. This literature is directly relevant to the present research because it connects traditional administrative-law principles with the constitutional framework.<sup>7</sup>

### 6.Significant of the study:

The study on “Natural Justice and Judicial Review of Administrative Action” is significant because administrative authorities exercise wide powers that may directly affect the rights, interests, and liberties of individuals. The principles of natural justice ensure that administrative decisions are made fairly, without bias, and after providing a reasonable opportunity of hearing. The study helps to understand how these principles promote fairness, transparency, accountability, and reasonableness in administrative decision-making. It also examines the constitutional connection of natural justice with Articles 14 and 21 of the Constitution of India.

The study is also significant in understanding the role of the Supreme Court and High Courts in exercising judicial review over administrative action. Judicial review acts as an important mechanism for preventing arbitrary, unreasonable, or procedurally unfair decisions by administrative authorities. By examining constitutional provisions, legal principles, and judicial developments, the study seeks to understand the extent to which courts can protect individuals against unlawful administrative action while maintaining the proper balance between administrative discretion and judicial control.<sup>8</sup>

<sup>4</sup> H.W.R. Wade & C.F. Forsyth, \*Administrative Law\*, 11th ed., Oxford University Press, Oxford, 2014.

<sup>5</sup> M.P. Jain, \*Indian Constitutional Law\*, 8th ed., LexisNexis, Gurgaon, 2018.

<sup>6</sup> I.P. Massey, \*Administrative Law\*, 9th ed., Eastern Book Company, Lucknow, 2017

<sup>7</sup> S.P. Sathe, \*Administrative Law\*, 7th ed., LexisNexis, New Delhi, 2010

<sup>8</sup> [https://www.mcrhrdi.gov.in/army/week5/14/principles%20of%20natural%20justice.pdf?utm\\_source=chatgpt.com](https://www.mcrhrdi.gov.in/army/week5/14/principles%20of%20natural%20justice.pdf?utm_source=chatgpt.com)

## 7. Meaning:

Natural Justice and Judicial Review of Administrative Action refers to the application of basic principles of fairness in the exercise of administrative powers and the power of courts to examine whether administrative decisions are lawful and fair. Natural justice mainly includes the right to a fair hearing (*audi alteram partem*) and the rule against bias (*nemo iudex in causa sua*). Judicial review allows the Supreme Court and High Courts to examine administrative actions that may be illegal, arbitrary, unreasonable, or made in violation of procedural fairness. In India, these principles are closely connected with Articles 14 and 21 of the Constitution.

### Importance:

1. Ensures fairness – Natural justice prevents administrative authorities from taking decisions unfairly or without hearing affected persons.
2. Prevents arbitrariness – It acts as a safeguard against arbitrary exercise of administrative power.
3. Protects fundamental rights – Judicial review helps protect constitutional rights, particularly those guaranteed under Articles 14 and 21.
4. Controls administrative discretion – Courts can review administrative decisions where authorities exceed their legal powers or fail to follow required procedures.
5. Promotes accountability – Administrative authorities are encouraged to give lawful and reasoned decisions.
6. Maintains rule of law – It ensures that government authorities exercise their powers according to law rather than personal preference.
7. Provides constitutional remedies – Articles \*32 and 226\* provide mechanisms for approaching constitutional courts against unlawful administrative action.
8. Balances administration and individual rights – The principles help maintain a balance between efficient administration and protection of individual rights.<sup>9</sup>

## 8. Principles of Natural Justice

### I. Introduction

Natural justice is one of the fundamental principles of Administrative Law. It is concerned with fairness in the exercise of administrative, quasi-judicial and judicial powers. Administrative authorities exercise various powers that may affect the rights, interests, status, employment, property and liberty of individuals. Therefore, such authorities cannot always act according to their personal discretion. They are expected to follow fair procedures and act without bias.

Natural justice does not mean a fixed set of technical rules. Its requirements may change according to the nature of the power being exercised, the circumstances of the case and the consequences of the decision. The main purpose of natural justice is to prevent injustice and ensure that a person affected by an administrative decision receives a fair procedure.

The principles of natural justice have developed mainly through judicial decisions. In India, these principles have acquired constitutional importance through Articles 14 and 21 of the Constitution. Courts have repeatedly held that administrative action should be fair, reasonable and non-arbitrary.

The two traditional principles of natural justice are:

1. *Audi alteram partem* – No person should be condemned unheard.
2. *Nemo iudex in causa sua* – No person should be a judge in his or her own cause.

A third requirement, namely the duty to give reasons, has also become an important aspect of fair administrative decision-making.

### II. Meaning of Natural Justice

The expression natural justice is not specifically defined in the Constitution of India or in any particular statute. It refers to basic standards of fairness that should be followed when a decision may adversely affect the rights or interests of a person.

Natural justice is based on the idea that justice should not only be done but should also appear to be done. It seeks to prevent arbitrary decisions by requiring the decision-maker to act fairly, impartially and reasonably.

Natural justice is particularly important in administrative proceedings because administrative authorities often exercise powers that have a direct impact on individuals. For example, disciplinary authorities may impose penalties on government employees, licensing authorities may cancel licences, educational authorities may take disciplinary action against students, and regulatory authorities may impose restrictions on businesses.

The principles of natural justice ensure that these powers are exercised according to fair procedures.<sup>10</sup>

### III. Objectives of Natural Justice

The main objectives of natural justice are:

1. To ensure fairness in administrative decision-making.

<sup>9</sup> [https://www.sci.gov.in/constitution/?utm\\_source=chatgpt.com](https://www.sci.gov.in/constitution/?utm_source=chatgpt.com) "Constitution | Supreme Court of India | India"

<sup>10</sup> [https://nationalarchives.nic.in/en/constitution-india?utm\\_source=chatgpt.com](https://nationalarchives.nic.in/en/constitution-india?utm_source=chatgpt.com) "The constitution of India | Official website of National Archives of India, Government of India"

2. To prevent arbitrary and unreasonable exercise of power.
3. To provide an opportunity to an affected person to present their case.
4. To ensure that the decision-maker is impartial.
5. To protect individuals against misuse of administrative power.
6. To improve the quality and reliability of administrative decisions.
7. To promote transparency and accountability in public administration.
8. To protect constitutional and legal rights.
9. To maintain public confidence in administrative authorities.

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1. To support the rule of law.<sup>11</sup>

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#### IV. First Principle: Audi Alteram Partem

The principle of audi alteram partem literally means “hear the other side.” It is one of the most important principles of natural justice. It means that a person whose rights or interests are likely to be adversely affected by an administrative decision should normally be given a reasonable opportunity to present their case before the decision is made.

The principle is based on the idea that no person should be condemned without being given an opportunity to explain their position. A decision-maker may not have complete information about the matter. Hearing the affected person helps the authority obtain relevant facts and make a more informed decision.

The right to a fair hearing does not necessarily mean that every administrative proceeding must take the form of a formal court trial. The nature and extent of the hearing depend upon the circumstances of each case.<sup>12</sup>

##### 4.1 Notice

A proper notice is generally the first requirement of a fair hearing. The affected person must be informed about the proposed action and the allegations or grounds on which the action is based.

A notice should normally contain sufficient information to enable the person to prepare an effective response. If a person does not know what allegations have been made against them, they cannot properly defend themselves.

For example, if a government employee is accused of misconduct, the employee should ordinarily be informed of the charges and given reasonable time to respond.

A notice may be defective if it does not provide sufficient information about the proposed action. A vague or unclear notice may therefore result in violation of natural justice.

##### 4.2 Reasonable Opportunity of Hearing

After receiving notice, the affected person should ordinarily be given a reasonable opportunity to present their case.

The opportunity should be meaningful and not merely a formality. The person should have sufficient time to prepare a response and submit relevant materials.<sup>14</sup>

Depending on the nature of the proceedings, the opportunity may include:

1. Submission of written explanations.
2. Presentation of documents.
3. Production of relevant evidence.

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4. Personal hearing.

5. Examination of relevant witnesses where appropriate.

6. Representation through a lawyer or other authorised representative where permitted.

The extent of the hearing depends on the circumstances of the case. A formal oral hearing may not always be necessary.

#### Disclosure of Material

Fair hearing generally requires that the affected person should know the material on which the administrative authority proposes to rely.

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<sup>11</sup> [https://www.indiacode.nic.in/?utm\\_source=chatgpt.com](https://www.indiacode.nic.in/?utm_source=chatgpt.com)

<sup>12</sup> [https://www.sci.gov.in/?utm\\_source=chatgpt.com](https://www.sci.gov.in/?utm_source=chatgpt.com) "Supreme Court of India" <sup>14</sup> [www.ipleaders.com](http://www.ipleaders.com)

If important evidence is kept completely undisclosed, the person may be unable to answer the allegations effectively.

Therefore, disclosure of relevant material is an important component of procedural fairness, subject to legitimate exceptions such as confidentiality, national security or protection of sensitive information.

### ***Right to Present Evidence***

The person affected by an administrative decision should normally be allowed to submit relevant documents and evidence supporting their case.

The authority should consider relevant evidence before reaching its decision. However, the exact evidentiary procedure depends on the nature of the administrative proceeding.

### ***Right to Cross-Examine***

Cross-examination is not an automatic requirement in every administrative proceeding. However, where serious allegations depend upon the testimony of witnesses and the circumstances make cross-examination necessary for a fair determination, denial of that opportunity may result in violation of natural justice.

The requirement depends upon the nature of the case and the consequences of the decision.

### ***Right to Legal Representation***

The right to be represented by a lawyer is also not universally available in every administrative proceeding. It may depend upon the relevant statute, rules and circumstances.

Where the matter is complicated or the opposing party has legal representation, denial of legal assistance may, in appropriate circumstances, affect the fairness of the proceeding.

Thus, the right to legal representation under natural justice is generally contextual rather than absolute.

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## **V. Second Principle: Nemo Jux in Causa Sua**

The second major principle of natural justice is nemo judex in causa sua. It means “no person should be a judge in their own cause.”

This principle requires the decision-maker to be impartial. A person who has a personal, financial or other substantial interest in a matter should not ordinarily decide that matter.

The purpose of this principle is to prevent bias and ensure confidence in the decision-making process.

Bias may take different forms.

### ***5.1 Personal Bias***

Personal bias occurs when the decision-maker has a personal relationship, hostility, friendship or other personal connection with a party.

For example, if an administrative officer is required to decide a disciplinary matter involving a close relative, there may be a reasonable concern regarding impartiality.

### ***5.2 Pecuniary Bias***

Pecuniary bias arises where the decision-maker has a financial interest in the outcome of the matter.

Even a relatively small financial interest may raise concerns about impartiality depending upon the circumstances.

### ***5.3 Subject-Matter Bias***

Subject-matter bias may arise where the decision-maker has a direct interest or strong involvement in the subject matter of the dispute.

For example, an authority that has a direct institutional interest in a particular outcome may need to ensure that the final decision is made through an impartial process.

### ***5.4 Departmental or Official Bias***

Departmental bias may arise when an authority is involved in both initiating a matter and deciding it. Administrative systems sometimes combine investigative and decision-making functions. The question is whether the arrangement creates a reasonable possibility of unfairness.

The courts examine the circumstances to determine whether the decision-making process satisfies the requirements of fairness.

### ***5.5 Reasonable Likelihood of Bias***

The test for bias is not simply whether the decision-maker personally admits to being biased. Courts generally examine whether the circumstances create

a reasonable apprehension or likelihood of bias.

The objective is to maintain confidence in the impartiality of the decision-making process.

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## VI. Third Principle: Duty to Give Reasons

Giving reasons for a decision has become an important aspect of modern administrative law. A reasoned decision explains why the authority reached a particular conclusion.

Reasons are important because they:

1. Demonstrate that the authority applied its mind.
2. Promote transparency.
3. Reduce arbitrary decision-making.
4. Help the affected person understand the decision.
5. Facilitate judicial review.
6. Increase administrative accountability.

A person affected by an adverse decision should generally be able to understand the basis of the decision, particularly where the law requires reasons. However, the requirement to give reasons depends upon the nature of the power, the applicable statute and the circumstances of the case.

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## VII. Constitutional Basis of Natural Justice in India

Although natural justice is primarily a principle of administrative law, it has a strong constitutional connection.

### Article 14

Article 14 guarantees equality before law and equal protection of laws. It also operates as an important protection against arbitrary state action. Administrative authorities must therefore exercise their powers in a non-arbitrary and reasonable manner.

Violation of fair procedure may, in appropriate circumstances, raise an issue under Article 14.<sup>13</sup>

### Article 21

Article 21 provides that no person shall be deprived of life or personal liberty except according to procedure established by law.

The Supreme Court has interpreted Article 21 to require fairness and reasonableness in procedures affecting life and personal liberty.

The decision in *Maneka Gandhi v. Union of India* significantly strengthened the relationship between Articles 14 and 21 and the requirement of fair procedure.<sup>14</sup>

### Article 32

Article 32 provides a constitutional remedy before the Supreme Court for enforcement of fundamental rights.

Where administrative action violates a fundamental right, the Supreme Court may exercise its jurisdiction subject to the requirements of Article 32.<sup>15</sup>

### Article 226

Article 226 gives High Courts power to issue appropriate writs for enforcement of fundamental rights and for other purposes.

This makes Article 226 particularly important in controlling unlawful administrative action and enforcing procedural fairness.<sup>16</sup>

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## VIII. Natural Justice and Administrative Action

Natural justice plays a major role in controlling administrative authorities. Modern administration involves numerous decisions affecting individuals and organisations. Administrative authorities therefore need flexibility to perform their functions efficiently.

At the same time, unlimited discretion may create the possibility of unfairness or arbitrariness.

Natural justice provides a balance between administrative efficiency and protection of individual rights.

For example, before cancelling a licence, dismissing an employee for misconduct, or taking disciplinary action, an authority may be required to provide an opportunity of hearing depending upon the governing law and circumstances.

Therefore, natural justice acts as a procedural control over administrative discretion.

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## 9. Case laws:

*Swadeshi Cotton Mills Co. Ltd. v. Union of India*

The Supreme Court considered the requirement of natural justice in administrative action involving serious consequences. The case is an important

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<sup>13</sup> Constitution of India, 1950, Article 14.

<sup>14</sup> Constitution of India, 1950, Article 21.

<sup>15</sup> Constitution of India, 1950, Article 32.

<sup>16</sup> Constitution of India, 1950, Article 226.

authority concerning the application of audi alteram partem to administrative decisions.<sup>17</sup>

Mohinder Singh Gill v. Chief Election Commissioner

The Court discussed fairness in the exercise of statutory powers and the importance of administrative authorities acting within legal and procedural limits.<sup>18</sup>

Gullapalli Nageswara Rao v. Andhra Pradesh State Road Transport Corporation

The case is an important authority on the rule against bias. The Supreme Court considered the circumstances in which the decision-making process may be affected by institutional or personal involvement.<sup>19</sup>

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## X. Exceptions to Natural Justice

Natural justice is an important principle, but it is not absolute. There are circumstances in which the full requirements of natural justice may be excluded or modified.

### 10.1 Urgency

In cases requiring immediate administrative action, a prior hearing may sometimes be impractical. The law may permit immediate action followed by a hearing at a later stage.

### 10.2 National Security

Where disclosure of information may affect national security or public interest, certain procedural requirements may be restricted according to law.

### 10.3 Confidential Matters

Confidential information may sometimes justify limitations on disclosure, provided that such limitations are legally authorised and consistent with fairness.

### 10.4 Legislative Action

The principles of natural justice generally apply differently to legislative functions. A legislative body is not ordinarily required to provide an individual hearing before passing legislation.

### 10.5 Academic and Examination Matters

In certain educational matters, the nature and extent of hearing may depend upon the applicable regulations and circumstances.

### 10.6 Where Hearing Would Serve No Purpose

In exceptional situations, courts may consider whether providing a hearing would make any practical difference to the outcome. However, this cannot be used routinely to avoid natural justice.

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## XII. Importance of Natural Justice:

Natural justice is important for several reasons.

First, it protects individuals from arbitrary administrative action. A person should not be adversely affected without a fair procedure.

Second, it improves the quality of administrative decisions. Hearing the affected person enables the authority to obtain relevant facts and correct possible errors.

Third, it promotes public confidence in administration. People are more likely to accept decisions when they know that the authority acted impartially and gave them an opportunity to present their case.

Fourth, natural justice promotes accountability. Administrative authorities are required to justify their decisions and follow lawful procedures.

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<sup>17</sup> Swadeshi Cotton Mills Co. Ltd. v. Union of India, (1981) 1 SCC 664

<sup>18</sup> Mohinder Singh Gill v. Chief Election Commissioner, (1978) 1 SCC 405

<sup>19</sup> Gullapalli Nageswara Rao v. Andhra Pradesh State Road Transport Corporation, AIR 1959 SC 308

Fifth, it supports the rule of law. Government authorities must exercise power according to law and established standards of fairness.

## **XII. Relationship Between Natural Justice and Judicial Review**

Natural justice and judicial review are closely connected. Judicial review enables courts to examine whether administrative authorities have acted within the limits of their legal powers and followed required procedural standards.

Violation of natural justice may become a ground for judicial intervention where the violation affects the legality or fairness of the administrative decision.

Courts may examine:

1. Whether the authority had legal power to make the decision.
2. Whether the affected person received an adequate opportunity of hearing.
3. Whether the decision-maker was impartial.
4. Whether relevant considerations were taken into account.
5. Whether irrelevant considerations influenced the decision.
6. Whether the authority acted arbitrarily or unreasonably.
7. Whether the applicable statutory procedure was followed.<sup>20</sup>

Judicial review does not normally mean that the court substitutes its own decision for that of the administrative authority. Its primary purpose is to examine the legality and fairness of the decision-making process.

## **XIII. Limitations of Natural Justice**

Although natural justice is an important safeguard, it has certain limitations.

It cannot be applied mechanically to every administrative action. The requirements depend upon the nature of the power, the statutory framework and the consequences of the decision.

Excessive procedural requirements may also delay administrative decision-making. Therefore, courts attempt to balance procedural fairness with administrative efficiency.

Natural justice also cannot be used to override express statutory provisions in every situation. Where legislation validly modifies or excludes a particular procedural requirement, courts examine the legislative intention and constitutional limitations.

Thus, natural justice should be applied reasonably and according to the circumstances of each case.

## **10.Parliamentary relevance: Justice V. Ramaswami inquiry:**

The matter concerned the constitutional process for removal of a Supreme Court judge. The issue included whether the concerned judge should receive the Inquiry Committee's report before Parliament considered the motion. Arguments were made that withholding the report could undermine the principles of natural justice and the possibility of effective judicial review. The Supreme Court examined whether the parliamentary process and the Inquiry Committee's procedure could be subjected to judicial review and emphasised that natural justice must be considered according to the particular statutory and constitutional framework.

The parliamentary process relating to the inquiry against Justice V. Ramaswami illustrates the constitutional relationship between natural justice and judicial review. The issue before the Supreme Court included whether the affected judge should be provided with the Inquiry Committee's report so that he could effectively challenge adverse findings. The case demonstrates that procedural fairness and judicial review may become interconnected where administrative or statutory decision-making produces serious consequences.<sup>21</sup>

## **11.Judicial review:**

### **Meaning :**

Judicial review means the power of courts to examine the legality of decisions, actions and exercises of power by public authorities. It is a mechanism through which courts ensure that administrative authorities do not exceed the powers given to them by law.

Judicial review does not ordinarily permit a court to substitute its own administrative decision for the decision of the competent authority. The court primarily examines whether the authority acted legally, fairly and according to the applicable procedure.

Therefore, judicial review is different from an appeal. In an appeal, the appellate authority may reconsider the merits of the decision. In judicial review, the court primarily examines the legality of the decision-making process and the limits of administrative power. The Supreme Court has specifically stated that the High Court exercising Article 226 jurisdiction does not normally sit as an appellate court over an administrative decision.

### **Objectives of Judicial Review:**

The principal objectives of judicial review are:

To ensure that administrative authorities act within the limits of their legal powers.

<sup>20</sup> O. Chinnappa Reddy, *The Court and the Constitution of India: Summit and Shallows*, Oxford University Press, New Delhi, 2010

<sup>21</sup> *Sarojini Ramaswami v. Union of India*, (1992) Supp. 1 SCC 155.

To prevent arbitrary exercise of administrative discretion.  
 To protect fundamental and legal rights of individuals.  
 To ensure compliance with principles of natural justice.  
 To prevent abuse or misuse of administrative power.  
 To maintain the rule of law.  
 To ensure that administrative authorities consider relevant factors and disregard irrelevant considerations.  
 To provide an effective remedy against unlawful administrative action.

To promote fairness, transparency and accountability in public administration.  
 To maintain the constitutional balance between administrative power and judicial control.

## **Grounds of Judicial Review:**

### **6.1 Illegality**

Illegality occurs when an administrative authority does not correctly understand or apply the law governing its powers.

An administrative authority must act within the scope of the authority granted to it by legislation. If an authority exercises a power that it does not possess, its action may be challenged through judicial review.

For example, if a statutory authority is empowered to grant a particular licence but attempts to impose a condition beyond the authority granted by the statute, the decision may be challenged on the ground of illegality.

The court therefore examines whether the authority:

1. Had legal authority to act.
2. Correctly understood the law.
3. Exercised the power for the purpose for which it was granted.
4. Stayed within the limits of its jurisdiction.

### **6.2 Irrationality**

Irrationality refers to administrative decisions that are so unreasonable that they cannot reasonably be supported by the material available to the decision-maker.

This principle is commonly associated with the Wednesbury doctrine. Indian courts have adopted and applied the concept of Wednesbury unreasonableness in appropriate administrative-law cases.

The Supreme Court has explained that the reviewing court does not ordinarily substitute its own choice for that of the administrator. The question is whether the administrative decision falls outside the range of reasonable decisions permitted by law.

## **Violation of Natural Justice**

Natural justice is closely connected with judicial review.

The two principal principles are:

1. Audi alteram partem – right to a fair hearing.
2. Nemo iudex in causa sua – rule against bias.

Where an administrative authority makes a decision affecting a person's rights or interests without following applicable requirements of fairness, the decision may be challenged.

The Supreme Court has explained that where an administrative order adversely affects vested rights or produces civil consequences, principles of natural justice may apply even when the statute does not expressly provide for a hearing, depending on the context.

Error of Law:

An administrative authority must correctly understand the law governing its decision-making power. If it makes an apparent error of law that goes to the root of the decision, the decision may be vulnerable to judicial review.

The court does not normally interfere merely because another interpretation is possible. The error must have legal significance and must affect the validity of the administrative decision.

## **Excess or Lack of Jurisdiction:**

Jurisdiction refers to the legal authority of an administrative body to decide a particular matter.

An authority may act without jurisdiction when:

1. It has no legal power to decide the matter.
2. It exceeds the powers granted by law.
3. It acts outside its territorial jurisdiction.
4. It exercises a power for an unauthorised purpose.

Where an authority acts beyond its jurisdiction, the High Court or Supreme Court may intervene through judicial review.

Abuse of Administrative Power:

Administrative powers must be exercised for lawful purposes. When a statutory power is used for an improper purpose, the action may be considered an abuse of power.

For example, if an authority is given power to regulate an activity for public safety but uses that power for an unrelated purpose, the exercise of power

may be questioned.

Judicial review therefore ensures that discretionary powers are exercised for the purpose for which they were granted.

#### **Proportionality:**

Proportionality examines whether the administrative measure adopted is appropriately related to the legitimate objective being pursued.

The doctrine is particularly relevant where administrative action affects fundamental rights.

The basic idea is that the restriction imposed by administrative action should not be excessive in relation to the objective sought to be achieved.

Indian constitutional jurisprudence has increasingly considered proportionality in cases involving restrictions on fundamental rights. Its precise application depends upon the nature of the right, the statutory framework and the circumstances of the case.

#### **Importance of Judicial Review:**

Judicial review is important for maintaining constitutional government and the rule of law.

It protects individuals from unlawful exercise of administrative power. It ensures that public authorities remain within the boundaries established by legislation and the Constitution.

It also promotes accountability because administrative authorities know that unlawful or procedurally unfair decisions may be examined by constitutional courts.

#### **Judicial review therefore performs several functions:**

- Protects individual rights.
- Prevents abuse of administrative power.
- Enforces constitutional limitations.
- Maintains the rule of law.
- Ensures procedural fairness.
- Controls arbitrary administrative action.
- Provides remedies against unlawful decisions.
- Maintains accountability of public authorities<sup>22</sup>

## **12. Conclusion:**

The study on “Natural Justice and Judicial Review of Administrative Action” demonstrates that fairness and legality are essential requirements in the exercise of administrative power. In a modern welfare state, administrative authorities perform numerous functions relating to public services, licensing, disciplinary proceedings, regulation, taxation and implementation of government policies. Since these functions may directly affect the rights and interests of individuals, administrative authorities must exercise their powers within the limits prescribed by law and follow fair procedures.

The principles of natural justice provide an important procedural safeguard against arbitrary administrative action. The two traditional principles, namely audi alteram partem and nemo iudex in causa sua, require that an affected person should ordinarily receive a fair opportunity of hearing and that the decision-maker should act impartially. The requirement of giving reasons has also become an important aspect of modern administrative decisionmaking. These principles help ensure that administrative decisions are made after considering relevant information and without improper bias.

The study also establishes that natural justice is closely connected with the constitutional framework of India.

Article 14 provides protection against arbitrary State action, while Article 21 requires fairness and reasonableness

in procedures affecting life and personal liberty. Articles 32 and 226 provide important constitutional remedies through which unlawful administrative action can be challenged before the Supreme Court and High Courts. Therefore, natural justice is not merely a technical rule of administrative procedure; in appropriate circumstances, it forms part of the broader constitutional requirement of fairness.

Judicial review is the principal mechanism through which courts control unlawful administrative action. The courts examine whether an administrative authority has acted within its jurisdiction, correctly applied the law, followed the required procedure and exercised its discretion for a lawful purpose. The principal grounds of judicial review include illegality, irrationality, procedural impropriety, violation of natural justice, jurisdictional error, abuse of power and, where applicable, proportionality. Judicial review therefore provides an effective means of maintaining the rule of law and protecting individuals against unlawful exercise of public power.

The study further shows that judicial review does not mean that courts act as appellate authorities over every administrative decision. Courts generally do not substitute their own views for those of administrative authorities merely because another decision might have been possible. The primary concern of judicial review is the legality and fairness of the decision-making process. This limitation is necessary to maintain an appropriate balance between judicial supervision and administrative autonomy.

The judicial decisions discussed in this research demonstrate the gradual development of these principles in India. In *A.K. Kraipak v. Union of India*, the Supreme Court strengthened the application of natural justice to administrative decision-making. In *Maneka Gandhi v. Union of India*, the Court developed the relationship between fairness, Articles 14 and 21, and administrative procedure. *Swadeshi Cotton Mills Co. Ltd. v. Union of India* further

<sup>22</sup> Administrative Tribunals Act, 1985, Act No. 13 of 1985.

demonstrated the importance of fair hearing in administrative action. Other decisions concerning administrative discretion, reasons for decisions and judicial review have contributed to the development of a system in which administrative power remains subject to legal and constitutional limitations. At the same time, natural justice cannot be applied mechanically in every situation. The extent of procedural fairness depends upon the nature of the administrative function, the statutory framework, the consequences of the decision and the circumstances of the particular case. Situations involving urgency, confidentiality, national security or other legally recognised circumstances may justify modification of ordinary procedural requirements. Therefore, the application of natural justice requires a balance between individual fairness and effective administration.

Overall, the study establishes that natural justice and judicial review perform complementary functions. Natural justice operates primarily at the stage of administrative decision-making by requiring fairness and impartiality, whereas judicial review operates as an external constitutional and legal control when administrative action is challenged. Together, they provide important safeguards against arbitrary exercise of administrative power.

The effectiveness of administrative law ultimately depends upon maintaining a proper balance between administrative efficiency, individual rights and judicial supervision. Administrative authorities require sufficient discretion to perform their statutory functions effectively, but such discretion must remain within the boundaries of law and constitutional principles. Judicial review ensures that these boundaries are respected without unnecessarily interfering with legitimate administrative decision-making.

Therefore, natural justice and judicial review constitute important safeguards for the rule of law, constitutional governance and accountable administration in India. Their continued development through legislation and judicial interpretation helps ensure that administrative authorities exercise public power fairly, reasonably, transparently and within the limits of their lawful authority.

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### 13.Suggestions:

#### 1. Clear Procedural Guidelines

The government should establish clear and uniform procedural guidelines for administrative authorities regarding notice, hearing, consideration of evidence and communication of decisions.

#### 2. Strengthening the Right to Fair Hearing

Administrative authorities should provide an adequate and meaningful opportunity of hearing before taking decisions that may adversely affect the rights or interests of individuals, subject to legally recognised exceptions.

#### 3. Proper Recording of Reasons

Administrative authorities should ordinarily record clear and relevant reasons for important decisions. This would improve transparency and make decisions easier to review.

#### 4. Training of Administrative Officers

Regular training programmes should be conducted for government officials on natural justice, constitutional principles, administrative discretion and judicial review.

#### 5. Prevention of Administrative Bias

Mechanisms should be introduced to identify and manage situations involving personal, financial or institutional conflicts of interest. Officers with a relevant conflict should be appropriately excluded from decision-making where required by law.

#### 6. Time-Bound Administrative Proceedings

Administrative proceedings should be completed within reasonable time limits. Delays can cause hardship to individuals and reduce the effectiveness of administrative remedies.

#### 7. Better Access to Administrative Remedies

Departments should establish effective internal grievance and appeal mechanisms so that individuals can challenge administrative decisions without immediately approaching constitutional courts.

#### 8. Use of Technology and Digital Transparency

Government departments should use secure digital systems for issuing notices, receiving representations, recording proceedings and communicating decisions. Appropriate safeguards should be maintained for confidentiality and data protection.

#### 9. Strengthening Legal Aid and Public Awareness

People should be provided with accessible information about their procedural rights and available administrative and constitutional remedies. Legal-aid mechanisms should assist persons who cannot effectively pursue available remedies.

#### 10. Periodic Review of Administrative Laws and Rules

The government should periodically review administrative laws, rules and procedures to identify provisions that create unnecessary procedural difficulties or insufficient safeguards and amend them where appropriate.

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